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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,813	12/30/2003	Juha Marila	915-008.017	9367

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EXAMINER

CARLETON, THUY T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/749,813	Applicant(s) MARILA ET AL.	
	Examiner Thuy Carleton	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/2003 and 07/28/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the original application filed 12/30/2003.

Claims 1-28 are pending and have been examined in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 21-28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 21, a “software product” is being recited; however, as disclosed by the specification sections are taught to be computer code, per se, without a computer readable medium capable of producing a useful, concrete and tangible result when used in the computer system.

As such, claims 22-28 are rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (US Patent 6,295,052), hereinafter “Kato”

As claim 1, Kato teaches a device for inputting information (fig. 1; abstract; col. 1, lines 66-67, col. 2, lines 1-3, col. 12, lines 31-42), comprising:
a display (fig. 1, col. 12, lines 37-42);
and a memory (fig. 44, label 216; col. 44, lines 45-52) comprising a first set of characters, said first set of characters comprising at least two characters (col. 3, lines 23-29), and a second set of characters, said second set of characters comprising at least two characters (col. 3, lines 23-29), wherein the characters in the first set of characters are statistically more likely to be selected in successive order than the characters in the second set of characters (fig. 23, labels 20A, 20B, 26, 27; col. 27, lines 7-11, lines 22-28, lines 33-43), and wherein said display is adapted to display, for selection of which character to input, the first set of characters (fig. 23, label 20A; col. 27, lines 44-47).

As claim 2, Kato further teaches the device is adapted to select any desired one of the displayed characters if said desired character exists in the displayed first set of characters (col. 4, lines 42-56).

As claim 3, Kato further teaches the device is adapted to replace, on the display for selection, the first set of characters with the second set of characters if a desired character does not exist in the displayed first set of characters (fig. 23, labels 12, 17, 20; fig. 24; col. 26, lines 53-65, that the selection menu has the ability to select from the standard key arrangement into the high speed key arrangement and return back to the standard key arrangement).

As claim 4 Kato further teaches the device is adapted to select any desired one of the displayed characters if said desired character exists in the displayed second set of characters (col. 4, lines 42-56).

As claim 5, Kato further teaches a character set switch for replacing the currently displayed set of characters with another set of characters (col. 26, lines 53-65, that the selection menu has the ability to select from the standard key arrangement into the high speed key arrangement and return back to the standard key arrangement).

As claim 6 Kato further teaches the device is adapted to cluster, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in successive order (col. 17, lines 39-47).

As claim 7, Kato further teaches the device is adapted to display the characters in the first set of characters on the display in QWERTY-format (fig. 42, label 122; col. 44, lines 9-12).

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As claim 8, Kato further teaches the device is adapted to display the characters in the first set of characters on the display in alphabetical order (fig. 41, label 121; col. 44, lines 6-9).

As claim 9, Kato further teaches the display is a touch-sensitive display (fig. 1, labels 3, 10; col. 12, lines 31-42, lines 50-53).

As claim 10, Kato further teaches the first set of characters and the second set of characters are based on a specific language used for inputting information (fig. 12; col. 22, lines 44-49).

As claim 11, Kato further teaches the device is embodied as a mobile terminal for a mobile telecommunications system (fig. 22, label 2; col. 42; lines 7-12; col. 48, lines 47-52; fig. 54; col. 48, lines 23-31, that it can be a portable remote device, configured for communication).

As claim 12, Kato teaches a method for inputting information (fig. 1; abstract; col. 1, lines 66-67, col. 2, lines 1-3, col. 12, lines 31-42) using a display (fig. 1, col. 12, lines 37-42), the method comprising:

defining a first set of characters comprising at least two characters (col. 3, lines 23-29);

defining a second set of characters comprising at least two characters (col. 3, lines 23-29),

wherein the characters of the first set of characters are statistically more likely to be selected in successive order than the characters of the second set of (fig. 23, labels 20A, 20B, 26, 27; col. 27, lines 7-11, lines 22-28, lines 33-43);

and displaying, for selection of which character to input, the first set of characters on the display (fig. 23, label 20A; col. 27, lines 44-47).

As claim 13, Kato further teaches selecting any desired one of the displayed characters if said desired character exists in the displayed first set of characters (col. 4, lines 42-56).

As claim 14, Kato further teaches replacing, on the display for selection, the first set of characters with the second set of characters if a desired character does not exist in the displayed first set of characters (fig. 23, labels 12, 17, 20; fig. 24; col. 26, lines 53-65, that the selection menu has the ability to select from the standard key arrangement into the high speed key arrangement and return back to the standard key arrangement).

As claim 15 Kato further teaches selecting any one of the displayed characters if the desired character exists in the displayed second set of characters (col. 4, lines 42-56).

As claim 16, Kato further teaches the step of defining the first set of characters and the second set of characters are based on a specific language used for inputting information (fig. 12; col. 22, lines 44-49).

As claim 17, Kato further teaches clustering, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in successive order (col. 17, lines 39-47).

As claim 18, Kato further teaches displaying the characters in the first set of characters on the display in QWERTY-format (fig. 42, label 122; col. 44, lines 9-12).

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As claim 19, Kato further teaches displaying the characters in the first set of characters on the display in alphabetical order (fig. 41, label 121; col. 44, lines 6-9).

As claim 20, Kato further teaches the method is performed in a mobile terminal for a mobile telecommunications system (fig. 22, label 2; col. 42; lines 7-12; col. 48, lines 47-52; fig. 54; col. 48, lines 23-31, that it can be a portable remote device, configured for communication).

As claim 21, Kato teaches a software product (fig. 39, labels 76, 77; col. 43, lines 12-22; fig. 40, label S13; col. 43, lines 36-37) stored in a memory (fig. 44, label 216; col. 44, lines 45-52) for generating a virtual keyboard on a display (fig. 1; abstract; col. 1, lines 66-67; col. 2, lines 1-3, col. 12, lines 31-42), the software product comprising:

software code for defining a first set of characters comprising at least two characters (col. 3, lines 23-29);

software code for defining a second set of characters comprising at least two characters (col. 3, lines 23-29), wherein the characters of the first set of characters are statistically more likely to be selected in successive order than the characters of the second set of characters (fig. 23, labels 20A, 20B, 26, 27; col. 27, lines 7-11, lines 22-28, lines 33-43);

and software code for displaying, for selection of which character to input, the first set of characters on the display (fig. 23, label 20A; col. 27, lines 44-47).

As claim 22, Kato further teaches software code for selecting any desired one of the displayed characters if said desired character exists in the displayed first set of characters (col. 4, lines 42-56).

As claim 23, Kato further teaches software code for replacing, on the display for selection, the first set of characters with the second set of characters if a desired character does not exist in the displayed first set of characters (fig. 23, labels 12, 17, 20; fig. 24; col. 26, lines 53-65, that the selection menu has the ability to select from the standard key arrangement into the high speed key arrangement and return back to the standard key arrangement).

As claim 24, Kato further teaches software code for selecting any one of the displayed characters if the desired character exists in the displayed second set of characters (col. 4, lines 42-56).

As claim 25, Kato further teaches software code for clustering, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in successive order (col. 17, lines 39-47).

As claim 26, Kato further teaches software code for displaying the characters in the first set of characters on the display in QWERTY-format (fig. 42, label 122; col. 44, lines 9-12).

As claim 27, Kato further teaches software code for displaying the characters in the first set of characters on the display in alphabetical order (fig. 41, label 121; col. 44, lines 6-9).

As claim 28, The Kato further teaches the software product is stored in a memory in a mobile terminal for a mobile telecommunications system (fig. 22, label 2; col. 42; lines 7-12; col.

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48, lines 47-52; fig. 54; col. 48, lines 23-31, that it can be a portable remote device, configured for communication).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bellman et al. (Int'l Pub No WO 00/58816) – A method for mobile text entry.

Wingett et al. (US Pub 2004/0135823) – User input device.

Forest (US Patent 6,903,723) – Data entry method and apparatus.

Kozu (US Patent 6,486,870) – Character input control equipment.

Liebenow et al. (US Pub 2002/0118175) – Digital information appliance input device.

Schroeder et al. (US Patent 5,797,098) – User interface for cellular telephone.

Moon (US Patent 5,812,117) – Method for inputting information using a selectable soft key board.

Nielsen et al. (US Patent 6,147,684) – techniques for navigating layers of a user interface.

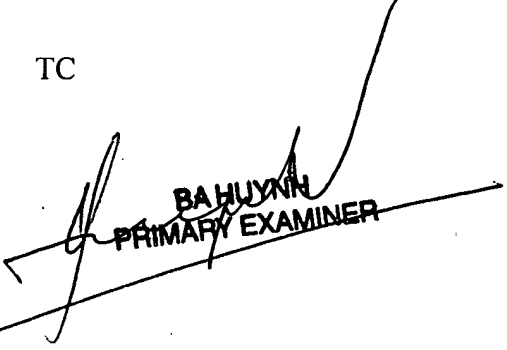
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Carleton whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC


BA HUYNH
PRIMARY EXAMINER